

IN THE SENATE OF THE UNITED STATES.

MAY 26, 1896.—Ordered to be printed.

Mr. CANNON, from the Committee on Pensions, submitted the following

REPORT:

[To accompany S. 2481.]

The Committee on Pensions, to whom was referred the bill (S. 2481) granting a pension to Charles Edson, have examined the same and report:

The bill proposes to pension the petitioner at the rate of \$50 per month in lieu of the pension of \$12 per month which he now receives under the act of June 27, 1890.

The papers in the case show the pensioner to have served under the name of George Hancock as a private in Company C, Fifth New Hampshire Volunteer Infantry, from September 15, 1864, to June 28, 1865, and it does not appear that while serving therein he contracted any permanent disability. No claim for pension under the general law has ever been filed, but in May, 1892, an application under the act of June 27, 1890, was made, based on rheumatism, first noticed by claimant about 1879. A medical examination by the Ogden (Utah) board disclosed "progressive muscular atrophy" (claimant had erred in his description of his disability), which was then rated at "second grade" (\$30), but under the act claimed only \$12 per month could be allowed.

In March, 1896, and in support of the bill under consideration, a petition, signed by 29 citizens of Ogden, Utah, was filed, reciting that the pensioner was suffering from—

total disability to perform any kind of manual labor, inability to take care of himself, and requires the aid of an assistant the whole time, being unable to walk alone or to get up out of a chair without assistance; this condition was caused by progressive muscular atrophy, resulting in paralysis of both hips and legs, and has existed for five years last past. The said Charles Edson is a poor man, has a family, is a good citizen, and in every way worthy.

There is also on file a certificate from the present president of the Ogden pension board of surgeons, dated February 17, 1896, stating:

At this time he [referring to Mr. Edson] is totally disabled from performing any manual labor, by reason of locomotor ataxia. He will, in my judgment, never recover, and now requires the constant aid of a nurse. There is no evidence of vicious habits. He probably has but a short time to live, and I have never seen a pension applicant so honestly in need of assistance.

It will be observed that this certificate last quoted indicates a degree of helplessness which, if of conceded service origin, would entitle the petitioner to \$72 per month, but while the origin of the disabling cause

is, in this case, confessedly obscure the contention is not advanced that it should be attributed to the soldier's service.

The facts which influence the committee in their recommendation are the petitioner's honorable service in the Fifth New Hampshire Infantry, known to history as the "Fighting Fifth," having had 175 men killed out of the original 967, and of recruits (petitioner was one of these recruits) 120 killed out of 1,520, he having participated in the engagements before Petersburg in the autumn and winter of 1864-65, at Fort Steadman and Dinwiddie Court-House, Va., in March, 1865, and Sailors Creek and Farmville, Va., in April, 1865, his regiment during this period having been a part of the Second Corps; and it should be here noted that the soldier was but 19 years of age when he enlisted, and secondly, the petitioner's deplorable condition and the total inadequacy of his income to afford the necessaries incident to said condition. The prognosis of his disease is inevitably unfavorable and a specialist on locomotor ataxia writes, "the average duration of this disease is seven years; recovery is scarcely to be hoped for;" therefore, in this case (the disease having now existed several years) a fatal termination at an early day is expected. Precedents exist for granting the relief sought by this bill, and in 1886 Congress passed bills H. R. 473 and 2971, for relief of William Boone and Francis Deming upon a showing of facts similar to those presented herein; and the present Congress case in of Francis E. Hoover (H. R. 1094) has recognized a like principle. As to the rate recommended, it can not be held to be an unusual one since the present House Committees on Invalid Pensions and on Pensions have favorably passed, thus far, on 130 bills carrying a pension of \$50 or more per month.

This is an exceptional case and demands that extraordinary relief within the power of Congress to grant, and consequently the committee recommend the passage of the bill as hereby amended:

Amend title of bill so as to read: "A bill granting an increase of pension to Charles Edson," and add, in line 7, after the word "Infantry," the words, "said pension to be in lieu of that which he now receives."

